

EXHIBIT 1

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

X

JAYNE ASHER,

Plaintiff,

VERIFIED ANSWER

-against-

Index No. 1361/07

PATRICIA HENNESSEY, ESQ. and COHEN
HENNESSEY, BIENSTOCK, P.C.,

Defendants.

X

Defendants, PATRICIA HENNESSEY, ESQ. and COHEN HENNESSEY, BIENSTOCK, P.C., by their attorneys, RIVKIN RADLER LLP, state upon information and belief for their answer to plaintiff's complaint:

ANSWERING THE FIRST CAUSE OF ACTION

FIRST: Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "1" of the plaintiff's complaint.

SECOND: Defendants deny having any knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "4" of the plaintiff's complaint, except admit that COHEN HENNESSEY and BIENSTOCK, P.C. (hereinafter "CHB") is a professional legal corporation with offices located at 11 West 42nd Street, 19th Floor, New York, New York 10036 and 445 Hamilton Avenue, White Plains, New York 10601.

THIRD: Defendants deny having any knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "5" of the plaintiff's complaint, except admit that PATRICIA HENNESSEY is a shareholder and officer of CHB.

FOURTH: Defendants deny each and every allegation contained in paragraphs numbered "6", "7", "12", "19", "20" and "21" of the plaintiff's complaint.

FIFTH: Defendants deny having any knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "8" of the plaintiff's complaint, except admit that PATRICIA HENNESSEY is a shareholder of CHB.

SIXTH: Defendants deny having any knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "9" of the plaintiff's complaint, except admit that the plaintiff retained the law firm of CHB to represent plaintiff in the action entitled *Jayne Asher v. Sanford Asher* with a New York County Index Number of 350060/01.

SEVENTH: Defendants deny having any knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "10" of the plaintiff's complaint, except admit that the attorneys at CHB are knowledgeable, capable and competent.

EIGHTH: Defendants deny having any knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "11" of the plaintiff's complaint, except admit that PATRICIA HENNESSEY is a knowledgeable, capable and competent attorney.

NINTH: Defendants deny having any knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "13" of the plaintiff's complaint, except admit that during the course of defendants' representation of the plaintiff a Stipulation of Settlement between JAYNE ASHER and SANFORD ASHER was negotiated and entered into to which this court is referred to its date, terms, conditions and legal effect.

TENTH: Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraphs numbered "14", "15" and "16" of the

plaintiff's complaint and refer to the Stipulation of Settlement for its true and accurate terms and conditions and the legal effect thereof.

ELEVENTH: Defendants deny each and every allegation contained in paragraphs numbered "17" and "18" of the plaintiff's complaint and refer all issues of fact to the trier of facts and all issues of law to the Court.

TWELFTH: Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "22" of the plaintiff's complaint and refer all issues of law to the Court.

ANSWERING THE SECOND CAUSE OF ACTION

THIRTEENTH: Answering paragraph numbered "23" of the plaintiff's complaint herein, defendants, PATRICIA HENNESSEY, ESQ. and COREN HENNESSEY, BIENSTOCK, P.C., repeat and reiterate each and every denial heretofore made in regard to each and every paragraph of plaintiff's complaint, designated as "1" through "22" inclusive with the same force and effect as though more fully set forth at length herein.

FOURTEENTH: Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "24" of the plaintiff's complaint and refer to the Court's file for true and accurate copies of any motions, appeals and other litigation documents and the relief sought therein.

FIFTEENTH: Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "25" of the plaintiff's complaint and refer to the Appellate Division's decision dated February 24, 2004 for its true and accurate contents and the legal effect thereof.

SIXTEENTH: The plaintiffs' complaint contains no allegation that is numbered "26".

SEVENTEENTH: Defendants deny each and every allegation contained in paragraph numbered "27" of the plaintiff's complaint and refer to defendants' legal bills for the entries contained therein except admit fees were charged for services performed.

EIGHTEENTH: Defendants deny each and every allegation contained in paragraphs numbered "28" and "29" of the plaintiff's complaint.

ANSWERING THE THIRD CAUSE OF ACTION

NINETEENTH: Answering paragraph numbered "30" of the plaintiff's complaint herein, defendants, PATRICIA HENNESSEY, ESQ. and COHEN HENNESSEY, BIENSTOCK, P.C., repeat and reiterate each and every denial heretofore made in regard to each and every paragraph of plaintiff's complaint, designated as "1" through "29" inclusive with the same force and effect as though more fully set forth at length herein.

TWENTIETH: Defendants deny each and every allegation contained in paragraphs numbered "31", "32" and "33" of the plaintiff's complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

TWENTY-FIRST: If the plaintiff has been injured and damaged as alleged in plaintiff's complaint, upon information and belief, such injuries and damages were caused, in whole or in part, or were contributed to by reason of the carelessness, negligence or want of care on the part of the plaintiff and not by any carelessness, negligence or want of care, on the part of the defendants, PATRICIA HENNESSEY, ESQ. and COHEN HENNESSEY, BIENSTOCK, P.C., and if any carelessness, negligence or want of care other than that of the plaintiff caused or contributed to said alleged injuries and damages, it was the carelessness, negligence or want of care on the part of some other party or persons, firm or corporation, his, its or their agents, servants or employees over whom

defendants, PATRICIA HENNESSEY, ESQ. and COHEN HENNESSEY, BIENSTOCK, P.C., had no control and for whose, carelessness, negligence or want of care defendants were not and are not responsible or liable.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

TWENTY-SECOND: The plaintiff's complaint fails to state a cause of action as against these answering defendants.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

TWENTY-THIRD: The action is premature and not ripe for adjudication as the plaintiff has to date not sustained any damages as a result of the alleged conduct as plaintiff's ex-husband is still alive and may outlive plaintiff herein.

WHEREFORE, defendants, PATRICIA HENNESSEY, ESQ. and COHEN HENNESSEY, BIENSTOCK, P.C., demand judgment dismissing the plaintiff's complaint herein, together with the costs and disbursements of this action.

DATED: Uniondale, New York
March 16, 2007

Yours, etc.,

RIVKIN RADLER LLP
Attorneys for Defendants
PATRICIA HENNESSEY, ESQ. and COHEN
HENNESSEY, BIENSTOCK, P.C.

By:


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TO: LAW OFFICES OF PAUL I. MARX
Attorneys for the Plaintiff
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VERIFICATION

DOUGLAS TISCHLER, ESQ., an attorney admitted to practice in the Courts of the State of New York, affirms that the following statements are true under penalties of perjury:

Deponent is the attorney of record for the answering defendants, PATRICIA HENNESSEY, ESQ. and COHEN HENNESSEY, BIENSTOCK, P.C., in the within action.

Deponent has read the foregoing Answer, knows the contents thereof, and that the same is true to deponent's own knowledge, except as to those matters therein stated to be alleged upon information and belief, and that those matters deponent believes it to be true.

This verification is made by deponent and not by the answering defendants, because answering defendants, PATRICIA HENNESSEY, ESQ. and COHEN HENNESSEY, BIENSTOCK, P.C., are not located in the county wherein your deponent maintains an office.

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows: Statements of said answering defendants, office records, and deponent's general investigation into the facts of this case.

DATED: Uniondale, New York
March 16, 2007


DOUGLAS TISCHLER, ESQ.